

ACCOMPLISHMENTS OF THE
57TH LEGISLATURE -- REGULAR SESSION,
FIRST AND SECOND CALLED SESSIONS
(Summary by the Staff of the Texas Legislative Council, August 16, 1961)

The Second Special Session was adjourned on August 14, only four days after convening, and with its conclusion it seems appropriate once again to review and evaluate what has been accomplished by the 57th Legislature in dealing with the State's pressing problems.

During the Regular Session, the Legislature was not able to agree on and send to the Governor a tax bill which would clear up the State's deficit and support the cost of the Texas State government for the next biennium at the level desired by the Legislature. To meet demands for ever-increasing public services and programs, and to retire the existing State deficit, the largest appropriation bill in Texas' history was required. Although criticized for lack of action, the 140-day Regular Session of the 57th Legislature did much of the spadework and provided background information and proposals which should receive much of the credit for the success of the First Special Session in passing both an adequate tax bill and a biennial appropriations bill. Passed in the dying hours of the First Called Session, these two measures of major importance were, nevertheless, just a small part of the total accomplishment of that 30-day Session. Some 62 House and Senate bills reached final passage, but other important legislation still unfinished influenced the Governor to call still another Session, the Second Special Session which convened on August 10. Four days later, it adjourned after providing for increases in salaries of teachers and administrators, establishing run-offs for candidates when one

candidate does not receive a majority in special elections for Members of the United States Congress, and providing that amounts allocated to the Teacher Retirement System for the next biennium shall be paid from General Revenue.

Despite the complex and unique problems faced by this Legislature, in each of the three sessions just concluded, it demonstrated again and again a determination to take the long-range view in seeking many solutions. Time after time it refused to be content with patchwork, piecemeal solutions which would simply tide the State over another biennium and postpone the problems until the next Legislature meets.

Following is a review of some of the significant work done by the 57th Legislature in the Regular Session and the First and Second Called Sessions.

In the House of Representatives, during the Regular Session, 1,136 bills were introduced; and an additional 480 were introduced in the Senate. The First Special Session added 166 House Bills and 8 more were introduced during the Second Special Session. In the Senate, 69 bills were introduced during the First Special Session, and 4 during the Second Special Session.

In addition, during the Regular Session, there were 83 House Joint Resolutions and 25 Senate Joint Resolutions--all proposing amendments to the Texas Constitution--and numerous concurrent and simple resolutions were considered and passed by both houses during the three sessions.

As has been the case in most of the recent Regular Sessions, about one-third--or 33 per cent--of the bills introduced were finally passed. That the batting average during special sessions was about the same is evidenced by the

62 measures passed by the First Special Session, and the three bills progressing to final passage during the Second Special Session. Only a few of the more than 1,800 bills considered by your State lawmakers during the sessions just past are noted and classified by groups below. A detailed report on bills and resolutions passed is in the hands of all legislators.

The Legislature

Beginning with the Legislature itself, it should perhaps be noted that, pursuant to a constitutional amendment passed by the voters of Texas last fall, this was the first Legislature in Texas to be paid a salary. The same amendment increased the maximum length of the session from 120 to 140 days, although a \$12 per diem is paid for only 120 days. Under the provisions of S. B. 101, passed this session, members of the Legislature will also be eligible for Social Security coverage.

One of the more important laws passed was the legislative redistricting bill, H. B. 349, which apportions the State into representative and senatorial districts in such a way as to take into account population changes recorded by the 1960 decennial census. This provides for more equitable representation for all the people of Texas.

The House of Representatives gave careful consideration to a report of the House General Investigating Committee concerning vice and corruption in several communities in the State. Numerous indictments and resignations of local officials have resulted from exposure of undesirable conditions by the committee, and this session of the Legislature considered several measures

recommended by the group and designed to strengthen laws and plug legal loopholes revealed by the diligent efforts of the committee.

Among these were H. B. 190, which proposed to amend the Penal Code to add false statements made under oath before either house of the Legislature or any committee thereof to the definition of perjury. The basic provisions of this bill were later incorporated into Sections 16, 22 and 23 of H. B. 289--the Legislative Reorganization Act. The recommendation that the investigating committees of the two houses be made permanent resulted in a provision in the same bill which empowers each house to provide for such a committee by resolution. Section 9 of H. B. 289, as finally passed, deletes the provision, formerly contained in Article 5429e of Vernon's Texas Civil Statutes, which required that members of the Legislature be removed from interim committees if they did not qualify for re-election.

The passage of H. B. 892, which provides for the licensing and regulation of private clubs, was also the result of a recommendation by the House General Investigating Committee that a law be passed to outlaw so-called private clubs operated only as a subterfuge for the sale of liquor by the drink.

Committee investigations also pointed up the need for a stronger law governing the production and distribution of obscene pictures, literature and phonograph records. The result of this recommendation was the passage of H. B. 441.

The passage of H. B. 464, implementing another House Investigating Committee recommendation concerning the sale of securities, amended the

Texas Securities Law to make the penalty for fraud through the sale of securities equivalent to that for theft of the amount involved in the fraudulent transaction.

H. B. 289, called the Legislative Reorganization Act of 1961, also contains other provisions which will increase the efficiency and effectiveness of the Legislature a great deal. It makes statutory a number of legislative procedures which have heretofore been authorized by rules of the two houses. Also, it lays the groundwork for standing committee activities during the interims between sessions so as to permit formulation of policies and measures ahead of regular sessions. Thus the all-important Revenue and Taxation Committee of the House, for instance, can meet before the Legislature convenes in special session on July 10 to consider and report to the House on the alternatives from which it must make a choice.

Statutory Revision and Population Bracket Laws Study

Texas laws have not been completely revised since 1925, and the great volume of legislation enacted since that time makes the law on any particular subject difficult to find and interpret. To help devise a way to cope with this problem, H. S. R. 650, passed by the House, requests the Texas Legislative Council to study methods of continuing statutory revision and of determining and recording the effect of Attorney Generals' opinions upon Texas laws.

Also aimed at making the statutes simpler and more easily accessible and understandable is the Council study requested by H. S. R. 666, which concerns the great volume of session laws based upon population bracket classifications.

Management and Organization

In the important area of economy and efficiency in the operation of the State government, the 57th Legislature brought to fruition in the form of H. B. 189 a law which establishes a Position Classification Plan for certain departments, institutions and agencies of the State. This plan is the result of four years of work and study and is designed to assure that similarly qualified State employees, performing generally similar types of work, are compensated at substantially the same rate. A number of existing inequities will now be corrected, and the State will be assured of more efficient and better qualified employees in the future when this plan goes into operation on September 1 of this year. H. B. 261, which provides for formal adoption, filing, publication and distribution of rules and regulations of State administrative agencies, will also contribute materially to the efficiency of State government operations and help our citizens dealing with these agencies by providing them with advance written information as to the procedures to be followed.

H. J. R. 32, to be submitted to the voters in November, 1962, would provide for trial de novo on all appeals to the courts from decisions of administrative agencies and executive departments of the State.

Of interest, too, is the passage of H. B. 1044, which prescribes for members and employees of the State Board of Insurance the same code of ethics as that set out for other State employees. As a result of the scandals and general criticism of some insurance companies and their regulation several years ago, officials and employees of that agency have been subject to more stringent codes of conduct than have personnel in other agencies.

Also passed by the Legislature for submission to a vote of the people in 1962 was an extremely important constitutional amendment which would permit State employees to serve in certain other capacities, such as trustees of public schools and members of scientific and professional advisory boards, if there is no conflict of interest. If approved, this amendment would permit State employees to take a more active part in professional and civic life and to make valuable contributions in both areas. Texas--particularly some of its higher education institutions--has been deprived of advantageous representation at different governmental levels because of the present restrictive provision in the Constitution.

S.B. 313, signed by the Governor on April 17, assures the completion of the building program, already begun by the State, with an adequate amount of office space and equipment. It provides for the construction of additional floors for the State Insurance Building and the second State Office Building, both now under construction, and the completion and equipping of the new State Archives and Library Building.

Another measure, S.B. 315, was designed to increase efficiency of State government operations and assure maximum usage of expensive electronic equipment owned by the State. It provides that State agencies shall use the Comptroller's electronic data processing center when practicable instead of duplicating the equipment through purchase or rental.

A sizable list of other measures which make minor but helpful changes in the operation of State agencies was passed. Included were laws increasing

filing fees charged by State agencies for certain documents and copies of documents to make them more realistic in terms of present costs; bills concerning allocation and use of funds obtained from certain fees and licenses; bills changing the qualifications and increasing the per diem of members of State boards to make the provisions more realistic in terms of modern practice; and bills authorizing State agencies and institutions to sell or exchange excess lands for which they no longer have use.

Because additional statutory duties have constantly been assigned to the Attorney General through the years, H.C.R. 71 asks the Texas Legislative Council to study the non-constitutional duties of this important State official to determine how his workload could be reduced so as to permit him to concentrate more on his constitutional duties as the State's chief legal officer.

State Finances

Foremost among major issues facing this Legislature was that of providing adequate financing for the growing needs of State government and to retire the deficit which existed in the General Revenue Fund.

Dozens of revenue-raising measures or proposals were introduced in both the Regular Session and the First Special Session, and were studied, compared and sifted by the Committee on Revenue and Taxation with a view of choosing the proposal, or a combination of several proposals, which would provide the needed funds to eliminate the deficit and finance needed increased appropriations and programs, including an increase in the minimum salaries for public school teachers. With the vast amount of study and research conducted

in recent years on the subject of taxation and the many hours of study given the more immediate situation by the Revenue and Taxation Committee, the ground-work was laid for the decisions which were made.

The end product of this area of legislation was an omnibus bill which was written by a Conference Committee composed of members of the House and Senate. The bill included a limited excise, sales and use tax; corporate franchise surtax, dedicated gas reserves tax; and an increase in driver's license fees. It also included provisions for uniform taxation on coin-operated devices, uniform penalty provisions for several areas of taxation, and a change in bookkeeping procedures relating to the available school fund. It is estimated that it will provide approximately \$354 million in new revenue for the next biennium. (See page 10a for summary of tax bill.)

In addition, the Legislature, in the Regular Session, passed more than a dozen bills related to taxation. Most of these were intended to clarify the present law and to simplify tax collection and administration. For instance, S.B. 39 requires that tax reports and returns to the State be verified under penalties of perjury. S.B. 257 provides for procedure in the filing of a suit for taxes paid under protest. H.B. 122 provides for the recording of a lien on the property of an individual or corporation who owes taxes, fines, penalties or interest under the provisions of the State's general tax statutes. S.B. 10 concerns taxes on motor fuel used for aircraft purposes and allocates the revenues therefrom to the public schools and to the Texas Aeronautics Commission for the construction and improvement of airports and for administrative purposes. Certain tax

exemptions, such as those on the personal property of institutions of public charity and on the dwelling places provided by churches for members of the clergy, are also clarified by laws passed this session.

H.B. 2, passed during the First Special Session, was designed to give the Texas citizen the privilege of deducting from his Federal income tax the tax paid on cigars and tobacco products in the same manner that such deductions were made possible on cigarettes by H.B. 86, passed during the Regular Session.

A series of bills passed by the 57th Legislature will greatly simplify and speed up the State's bookkeeping by abolishing small special funds and providing that moneys which formerly went into them be deposited to the General Revenue Fund. Among these are H.B. 392, concerning the Natural and Casinghead Gas Audit Fund; H.B. 393, relating to revenues collected for the Highway Motor Fuel Audit Fund; H.B. 394, concerning the Cigarette Tax Audit Fund; H.B. 520, the Highway Light Test Fund; H.B. 521, the Employment Agency Fund; H.B. 609, the Boiler Inspection Fund; H.B. 610, the Motor Transportation Fund, to which have been deposited certain fees collected by the Railroad Commission; and H.B. 624, the Radio and Television Administration Fund.

Another fund abolished was the Naturopathic Re-registration Fund, the balance of which was transferred to General Revenue by H.B. 515. This fund had become dormant as the result of the decision concerning unconstitutionality of the Texas law under which naturopaths were licensed.

New Tax Bill

The First Special Session passed an Omnibus Tax Bill designed to raise approximately \$354 million. It included a limited excise, sales and use tax; corporate franchise surtax, dedicated gas reserves tax; and an increase in driver's license fees. It also included provisions for uniform taxation on coin-operated devices, uniform penalty provisions for several areas of taxation, and a change in book-keeping procedures relating to the available school fund.

The limited sales, excise and use tax portion of the bill, estimated to raise \$319 million, amends the miscellaneous excise tax chapter of Title 122A, Taxation-General in its entirety. In so doing it repeals the selective sales taxes levied on radios, television sets, phonographs and component parts; boats and boat motors; air conditioners; cosmetics; playing cards; precious or semi-precious stones and furs. The new limited sales tax will continue to tax these items but, for the most part, at a lower rate than the former selective sales tax. Radios, television sets, phonographs, air conditioners, precious and semi-precious stones and furs are reduced from 3% to 2%. Cosmetics are reduced from 2.2% to 2%. Playing cards, presently taxed at 6¢ per pack, will be taxed at the rate of 2% of the sale price and the tax on boats and boat motors will be increased from 1.5% to the standard 2%.

The limited sales and use tax applies to all personal property which may be seen, weighed, measured, felt, or touched, or which is in any other manner perceptible to the senses except items which are taxed by other chapters of Title 122A, such as cigarettes, cigar and tobacco products, motor fuel, etc. The bill also exempts sales to organizations created for religious, educational, charitable or eleemosynary purposes where a private individual does not receive any of the net earnings of the organization.

One of the major exemptions is food and food products for human consumption. Under the definition, food products do not include non-prescription medicines, tonics, vitamins and medicinal preparations, soda water, ice and candy, or restaurant meals.

Also exempt from the tax are drugs and medicines, when prescribed by a licensed physician, and prosthetic devices; animal life, feed, seeds, plants and fertilizer; clothing of outer wearing apparel which costs less than \$10, and written contracts and bids executed prior to the effective date of this chapter (September 1, 1961).

The Comptroller of Public Accounts, who will administer and collect the tax, will soon issue rules and regulations to guide the businessman in the original collection of the tax.

Appropriations

The big appropriations bill passed by the First Special Session, S.B. 1, gave to education, already the recipient of over one-third of our tax dollar, still additional funds to provide higher salaries for college and university teachers. It is hoped that the top Texas college and university graduates may now decide to stay in Texas and teach in Texas institutions, instead of answering the inducement of higher salaries in other states. Agencies of public education, including state colleges, universities, and related services will receive \$186.5 millions from General Revenue for the coming biennium, which, with the \$910.5 millions in funds from all other sources, brings the aggregate two-year total for public schools, teacher retirement, and all other agencies and systems of higher education to \$1,097 millions.

Public welfare and our eleemosynary and correctional institutions were also allotted additional funds to meet demands for increased and more efficient services and programs. The State's hospitals for the mentally ill, tubercular, and mentally retarded, along with the Youth Council's institutions, will have \$111 millions to spend, an increase of about \$20 millions over the current level. Here, again, the Legislature answered the demand to increase salaries so that Texas citizens will receive the kind of institutional care conducive to health and rehabilitation. Funds were provided for four out-patient clinics, compared to the two now in operation, and a new \$500,000 item makes it possible for mentally ill children to receive treatment at the Galveston Medical School by contract with the Hospital Board.

The issue of a State-paid juvenile parole supervisory system was answered by providing for a director of such a system and four parole officers to be assigned to metropolitan centers, contingent upon cooperation from local units of government. Some \$14 millions were appropriated to provide medical care for recipients of public assistance, and other welfare programs were increased by \$3.6 millions to match the full constitutional ceiling on such expenditures.

Insurance

Just as was the case with its immediate predecessors, the Regular Session of the 57th Legislature recognized the importance of a sound insurance industry to the State's economy. This is indicated by the fact that more than two dozen bills concerning the industry and its regulation were passed this year. Several of these, such as S.B. 157, were designed to prohibit or modify false advertising by insurance companies not authorized to transact business in Texas. Others, like S.B. 318, providing for more effective merger and consolidation of insurance companies in the same line of business, were designed to protect policyholders by strengthening the industry. S.B. 154 helps to resolve a question which has proved troublesome by fixing venue for prosecutions for making false statements to the Insurance Board in Travis County. S.B. 256 amends the Insurance Code so as to provide annual salaries for the full-time members of the Insurance Board, substituting this pattern for the per diem arrangement formerly in effect.

Regulation of State-wide mutual assessment companies was strengthened by the passage of S.B. 96, including this type of company among those subject

to penalties for delay in payment of losses on policies, and S.B. 102, requiring the approval of the Insurance Board for any increase in assessments or rates by such companies. Several other bills concern permissible investments of insurance companies and define what may be considered assets of such companies.

Two study requests related to the insurance industry and directed to the Texas Legislative Council were passed by this session of the Legislature. H.C.R. 93, passed by the House only, asked for a study of regulation of the industry, and H.C.R. 110, passed by both House and Senate, requested a study of company policies and practices in the handling of health and accident insurance claims.

Other Business Regulation

Banks, building and loan associations, bonds, warrants, and securities also came in for a share of attention from the Regular Session of the 57th Legislature. S.B. 145, already signed by the Governor, concerns the examination and regulation of State credit unions. H.B. 91, also signed by the Governor and to become effective September 1, creates a Savings and Loan Department in the State Banking Department and authorizes the appointment of a Savings and Loan Commissioner to strengthen the regulation of this rapidly-growing type of institution.

"Texas securities" which are permissible investments for insurance companies are redefined by S.B. 285, and bonds issued for airport purposes are made eligible as legal investments for banks and insurance companies and to secure deposits of public funds by S.B. 197.

H. B. 5 of the First Special Session concerns regulations relating to escheat and adds the requirement that persons holding personal property subject to escheat shall within 60 days after the effective date of the Act file a report on such property with the State Treasurer. It also prohibits service charges upon dormant or inactive deposits subject to escheat.

Other business regulation enacted during the First Special Session, H. B. 143, relates to common carriers, and makes it unlawful to enter into an agreement, arrangement or other device requiring or permitting a carrier to pay a levied charge, allowance, assessment or compensation if such is dependent or contingent upon the use of another mode of transportation.

Courts and Administration of Justice

Because of the increasing population of the State and the consequent increase in caseloads of the courts, particularly in the State's metropolitan areas, several new courts were created by the 57th Legislature in order that citizens in the areas they will serve may be able to obtain speedier justice. Among the new courts established were an additional County Criminal Court for Tarrant County by S. B. 264, a Court of Domestic Relations for Jefferson County by S. B. 319, and the Juvenile and County Court No. 2 of Galveston County by S. B. 162. Other bills provide for more court employees and greater flexibility of court personnel, docketing of cases, and sites for holding court in order that cases may be heard with more dispatch.

Several of the bills passed will make changes in court procedure. For

instance, S. B. 27 provides a proceeding for review of a trial in which a convicted person claims there was a denial of his constitutional rights or false testimony. H. B. 1037 will clarify the adoption procedure in the case of persons seeking to adopt the children of natural parents whose parental rights have been terminated by the juvenile or other court because of dependency and neglect or for some other reason. Court interpreters for persons who are deaf or deaf mutes will be provided under H. B. 1067. H. B. 157 will permit the admissibility of a greater number of foreign and domestic records and foreign laws as evidence in court proceedings.

Also in this area is H. B. 100, which provides relief from liability for civil damages for persons who render emergency care at the scene of an accident. This is a so-called "Good Samaritan Act."

The administration of justice should also be considerably improved by enactment of S. B. 349, which will provide for meetings of presiding judges of the Administrative Judicial Districts in order that they may discuss common problems and arrange for the more equitable distribution of caseloads.

Other legislation passed with the primary objective of the improvement of administration of justice in a particular area of the State included H. B. 351, transferring Shackelford County from the 42nd to the 90th Judicial District, and H. B. 417, transferring Fisher County from the 104th Judicial District to the 32nd Judicial District.

Juveniles

Although the codification of juvenile laws bill introduced at this session did not complete its course through the legislative process, several bills in this area will improve the handling of juvenile matters in individual counties. Because of the population growth recorded in the 1960 census, several counties which had previously had juvenile boards were no longer legally entitled to have them, having grown out of their population brackets. Other counties received legislative authorization for the creation of such boards for the first time. Among juvenile boards created at the Regular and Special Sessions were those in Galveston, Dawson, Victoria, Travis, Howard, Morris, Comal, Hays, Caldwell, Austin, Coleman and Fayette Counties and in counties comprising the 36th and 156th Judicial Districts. Also juvenile boards in certain other counties were validated by H. B. 165. A Juvenile and County Court No. 2 of Galveston County was established, as was a Court of Domestic Relations for Jefferson County.

Public Welfare

Perhaps the most significant piece of legislation passed in the field of public welfare was S. B. 79, which provides for medical care on behalf of recipients of public assistance. Public assistance recipients will also be benefited by H. B. 38, which increases the amounts of money to be allocated from the Omnibus Tax Clearance Fund to the Blind Assistance Fund and the Old Age Assistance Fund. H. B. 654, already signed by the Governor, will encourage blind persons in vocational and business enterprises by exempting earned

income from consideration in determining the need for public welfare assistance to persons so handicapped. H. B. 676 amends the law relating to the operation of vending stands on State property by blind persons.

Two constitutional amendments passed at this session and to be submitted to the voters in November, 1962, are also concerned with public welfare. These are S. J. R. 7, relating to assistance to needy persons totally and permanently physically or mentally disabled, and S. J. R. 9, which would raise the limit on the use of State funds for assistance to the needy aged, needy blind and needy children.

Severely disabled persons will be authorized to receive rehabilitation services provided by the Vocational Rehabilitation Division of the Texas Education Agency under the terms of S. B. 137, signed by the Governor on May 10.

A Texas Legislative Council study looking toward the coordination of health and welfare services provided by the State was requested by S. C. R. 33.

Additional welfare legislation passed by the First Special Session included H. B. 62, which provides that the schedule of allowances and benefits in effect at the time a "full paid" fireman terminates active service shall determine benefits he or his beneficiaries shall be allowed to receive from a Fireman's Relief and Retirement Fund. H. B. 68 requires that the divorce petition include information pertaining to the need for custodial care of a child or children of the marriage to be dissolved. H. B. 68 relates to the administration of the Texas Unemployment Compensation Act and was designed to benefit both employer and claimant.

Physical and Mental Health and Narcotic Drugs

Several significant bills passed in the field of physical and mental health include S. B. 273, concerning the release of persons who have contagious diseases--notably tuberculosis--from State Hospitals and Special Schools, by writs of habeas corpus; H. B. 400, amending the law relating to services provided by the Crippled Children's Division of the State Department of Health so as to provide a distinction between crippled children and needy children; H. B. 224, which authorizes the Texas State Department of Health to provide planning assistance to political subdivisions; S. B. 210, which authorizes the Board for Texas State Hospitals and Special Schools to make contracts with private and public agencies to carry out research; and H. B. 245, enabling the same agency to contract with private and other facilities for medical care and treatment of patients under its jurisdiction.

To expand the State's facilities for the mentally retarded so that persons on a considerable waiting list may be accommodated more quickly, the 57th Legislature, by S. B. 403, established and provided for an additional facility to be known as "Lufkin State School," and by S. B. 14 provided for a State school for the mentally retarded to be located in the Gulf Coast area. Under the provisions of H. B. 749, the State School Farm Colony near Austin will be known after September 1 as Travis State School. To help the Legislature and the Board in future planning for facilities and programs in this area, the House passed H. S. R. 621, asking the Texas Legislative Council to study the facilities and programs of the State Hospitals and Special Schools with a view to future needs.

The State Department of Health, under authorization of S. B. 453, may now approve additional methods of disinfecting public swimming pools.

Of major interest to all Texans is the passage of S. B. 43, the Texas Food, Drug and Cosmetic Act, which regulates the manufacture and sale of these products within the State, and S. B. 217, which sets health standards for milk produced outside the State and imported into Texas. S. B. 54 provides additional safeguards relating to imported food and drugs.

Two measures, S. B. 45 and S. B. 46, were passed by the First Special Session to provide for and regulate the use of human bodies for advancement of science.

Further health legislation was the enactment of H. B. 144 concerning the sale, release and delivery of diseased cattle.

Two amendments to the Texas Mental Health Code were passed by the Regular Session. One of these, S. B. 115, concerns the allocation of fees for applications for and licensing of private mental hospitals. The other, H. B. 162, relates to the time limit for obtaining a court order in emergency hospitalization proceedings for mentally ill persons.

Three constitutional amendments concerning the creation of hospital districts will be submitted to the voters in 1962. S. J. R. 22 would authorize the creation of such districts in Ochiltree, Castro, Hansford and Hopkins Counties. (Enabling legislation for the Hopkins County District was passed through H. B. 33.) H. J. R. 70 concerns creation of two hospital districts in Brazoria County. To avoid the necessity for the submission of separate

constitutional amendments for each such hospital district proposed in the future, H. J. R. 51 would grant general authority to the Legislature to create hospital districts and prescribe their general powers and limitations. Pursuant to the proposed constitutional amendments or those already approved by the voters, several pieces of enabling legislation creating such districts were also passed. S. B. 330, already signed, is the enabling legislation for S. J. R. 22, concerning hospital districts in Ochiltree, Castro and Hansford Counties; H. B. 587 and H. B. 1115 relate to a hospital district within the boundaries of County Commissioners Precinct No. 4 of Comanche County; H. B. 995 concerns establishment of a district in Brazoria County; H. B. 1023 creates the Wichita County Hospital District; and H. B. 452 relates to the Lamar County Hospital District.

An additional deterrent to the sale and use of illegal narcotic drugs was provided by S. B. 23, which increases the minimum penalty for selling or offering to sell narcotic drugs to persons under 19 years of age so that a person convicted of a first offense violation may be given a term of from five years to life imprisonment. H. B. 93 amends the Penal Code to stipulate that an indictment charging use of or addiction to "narcotic drugs" need not name the specific drug concerned, and H. B. 712 regulates the use of and supplying of narcotic drugs by dentists.

Game and Fish

In addition to the usual great number of local game and fish bills, the 57th Legislature passed H. B. 733, which will permit certain incapacitated persons to hunt from motor vehicles under specified conditions, and H. B. 791, which provides for cooperation between State and Federal agencies in the destruction of predatory animals.

Because of the great volume of this type of legislation passed biennially and the resulting conflicts and confusion, the House passed H. S. R. 658, asking the Texas Legislative Council to study wildlife regulation in Texas and prepare a codification of State laws in this area.

Public Schools

The public schools continue to receive sympathetic attention from the Legislature. This session, for instance, provided through S. B. 51 for the allocation of professional units by the Texas Education Agency to school districts reporting increases in average daily attendance, helping to do away with the time lag which has created problems of overcrowding and undesirably large classes by basing such allocations on average daily attendance for the preceding year. H. B. 107 would permit the re-employment of retired teachers under certain conditions, a measure designed to help relieve teacher shortages in some areas.

Several bills passed require or permit the abolition of the office of county superintendent. With the increasing consolidation of school districts and the disappearance of the common school district from the scene in many

counties, these officials, whose duties include primarily supervision of common school district affairs, are of diminished importance. Among the bills providing such abolition or procedures for doing away with the office were S. B. 192, H. B. 432, H. B. 483, and H. B. 871.

Another significant measure in this area was S. B. 22, which authorizes establishment of day schools for deaf children in counties having more than 300, 000 population. Since the capacity of the State School for the Deaf, under the jurisdiction of the Texas Education Agency, is necessarily limited, the establishment of such day schools will permit deaf children from the smaller communities and more isolated areas of the State to use the Austin boarding facilities and permit children in the larger metropolitan centers to receive comparable training and education while living at home.

Kindergartens in public schools may now be established in any school district calling an election if that is the decision of the electorate, according to H. B. 56 of the First Special Session. The creation, abolition, boundaries, etc. of all school districts, including junior and regional college districts, were validated by the passage of S. B. 69.

Most of the other bills passed which relate to the public schools concern school trustees and their election, teacher retirement, and the general validation of school districts. Teacher certification also came in for attention from the Legislature, and H. S. R. 717 asks the Texas Legislative Council to study the requirements and procedures for such certification, with particular reference to the number of methodology or "how-to-teach" courses required in relation to subject matter courses.

Teachers' Pay Raise

With the exception of the tax and appropriation bills, the teachers' salary increase received more attention, perhaps, than any other measure introduced during the three sessions of the 57th Legislature. After long study, initiated during the Regular Session, S. B. 1, which encompassed a complex teacher and administrator salary schedule with an increase in base pay plus salary increments, was passed by the Second Special Session. The base salary of a teacher receiving the minimum under the present schedule will be increased by \$810 per year. This does not mean that every teacher will automatically receive a salary increase of \$810. Many already receive in excess of the salary made the mandatory minimum under the new schedule, and thus it will be up to the local districts whether or not to grant a raise and, if so, how much the increase will be. These larger school districts, where local funds have been used to provide a higher salary scale for teachers, may choose to use the additional money available to them from the State for other school needs.

Under the terms of the new Act, the increased cost of the Foundation School Program to the State and to local districts for the 1961-1963 biennium will be as follows:

	<u>State Share</u>	<u>Local Share</u>	<u>Total</u>
1. Base Salary Increase	\$ 112,734,000	\$ 28,184,000	\$ 140,918,000
2. Administrative Increment	6,994,000	1,749,000	8,743,000
3. Experience Increment	5,056,000	1,264,000	6,320,000
4. Current Operating Cost	26,765,000	6,690,000	33,455,000
5. Transportation	5,001,000	1,250,000	6,251,000
	<u>\$ 156,550,000</u>	<u>\$ 39,137,000</u>	<u>\$ 195,687,000</u>

As at present, the State will furnish 80 % of the increase and local districts 20 %, as indicated by the above figures.

Higher Education

Probably the most significant legislation passed in the field of higher education was S.B. 2, which creates the University of Houston as a fully State-supported institution of higher education, effective September 1, 1963. The name of the North Texas State College at Denton was changed officially to "North Texas State University" by H.B. 645. In addition, certain junior colleges in cities of 160,000 or more were, by H.B. 120, given authority to offer classes to candidates for baccalaureate degrees in listed fields.

S.B. 428 requires the governing boards of State institutions of collegiate rank to follow the rules and regulations of the Commission on Higher Education concerning non-resident tuition fees so that the policy on this point will be uniform throughout the State.

Two studies relating to Texas' fast-growing higher education system were requested by this session of the Legislature. H.C.R. 98 asks the Commission on Higher Education and the Texas Legislative Council to cooperate in a study of the State's higher education needs, and S.C.R. 35 asks the Council to conduct a survey of classroom and dormitory space utilization at all State-supported institutions of higher education.

Election Code

Several amendments to the Election Code were passed at this session, and a major study and revision of that body of law was requested by S.C.R. 30. This study would be done by an interim committee with the cooperation of several

State agencies, including the Texas Legislative Council. Passed at this session were H.B. 239, providing for filing of applications for nomination by candidates of political parties not required to hold primary elections under Texas law; H.B. 148, which provides that the polls must be open from 6 a.m. to 8 p.m. in counties having 1,000,000 or more population; S.B. 350, relating to the filing fees for candidates in all State-wide elections; H.B. 77, relating to certification of exemption from payment of the poll tax; and H.B. 33, permitting the use of paper ballots in counties ordinarily using voting machines under certain conditions. As discussed earlier, the Second Special Session passed S.B. 3, which requires run-off elections if any candidate for membership in the United States Congress fails to receive a majority in a special election.

Water

Generally speaking, water legislation passed by the 57th Legislature was of major importance to the State. Of the more than 90 bills and resolutions passed relating to water, water districts and navigation districts, most concerned local water districts and their authorities and powers. A few are of general State-wide interest, however. These include a constitutional amendment to be voted on in 1962, proposed by H.J.R. 46 and authorizing the Water Development Board to use the Water Development Fund to acquire storage facilities in reservoirs and to dispose of such storage facilities under authority of the Legislature.

H.B. 376 provides that water control and improvement districts and underground water conservation districts may be created only according to

the provisions of Section 59, Article 16 of the Constitution. H.B. 409 provides for the prevention of pollution of underground water by the registering and regulation of water well drillers.

H.B. 8 provides for broadening the law governing loans made by the Texas Water Development Board so that the ceiling on loans has been raised to \$15,000,000. H.B. 54 gives the Texas Water Development Board greater latitude with respect to the transfer of money between statutory funds. A study of water-bearing formations and sources of underground water supply by the Board of Water Engineers is authorized by S.B. 444.

S.B. 72 requires permits from the Board of Water Engineers to drill injection wells for the disposal of industrial and municipal waste--another measure designed to prevent underground water pollution. H.B. 692, which pertains to underground water conservation districts, requires the closing or capping of open or uncovered wells.

Agriculture

Bills of interest to farmers and persons engaged in occupations related to agriculture, neither of which had been signed by the Governor by June 13, are S.B. 53, extending the exemption from registration of farm vehicles to trailers used to haul fertilizer, and S.B. 400, regulating the grading and classification of rose plants by the Commissioner of Agriculture.

A series of bills, including S.B. 248, H.B. 265 and H.B. 266, concern the duties and authority of public weighers, permit the Commissioner of Agriculture to fix and collect fees for the testing of mechanical devices for weighing

or measuring, and provide for the allocation of funds from fees collected for the inspection of and issuance of certificates to public weighers.

State Submerged Lands and Islands

The culmination of a four-year study of State-owned submerged lands and islands by the Texas Legislative Council was the passage of S.B. 71, which delegates to the School Land Board and a Submerged Lands Advisory Committee, with the assistance of the newly-created Coastal Areas Management Division of the General Land Office, responsibilities and duties relating to the management, control and use of the surface estate in such lands.

The School Land Board, charged with the administration and enforcement of the law, is given responsibility for assuring conservation of natural resources, protecting the interests of navigation and commerce in the intra-coastal waters, preventing unauthorized encroachment upon and use of the submerged lands and islands, protecting private and public rights in land, and regulating the use of such lands for industrial purposes so that the public interest will not be adversely affected thereby.

Another result of the work done in this area was the passage of S.J.R. 19, permitting the Legislature to delegate zoning powers to counties bordering on the Gulf of Mexico, which proposed change in the Constitution will be submitted to the voters in 1962.

Continuation of a study of the problems related to submerged lands and islands was requested by H.S.R. 726, which sets up an interim committee of the House of Representatives for that purpose.

Cities and Counties

Most of the bills passed relating to cities and counties were local and special legislation having application to certain localities only. Some of them authorize city-county cooperation in zoning and in the construction and use of such facilities as jails, airports and parks.

Two proposed constitutional amendments, H.J.R. 25 and H.J.R. 36, would permit counties and other political subdivisions of the State to provide retirement, disability and death benefits for elective and appointive officers and employees.

Liquor Regulation

Certainly among the best-publicized, if not the most important, bills in this area concerned the enabling legislation which would permit the construction and operation of the Carling Brewery in Fort Worth. The passage of H.B. 533 and H.B. 821 removed the legal obstacles to the location of this new industry in Tarrant County. Another important law passed this session will provide for the regulation and licensing of private clubs in the State beginning September 1, thus incorporating into law the recommendations of the Liquor Control Board and the House General Investigating Committee regarding such clubs.

Atomic Energy

Two bills passed will promote the utilization and regulation of atomic energy. These are S.B. 68, which provides for the licensing of nuclear materials by a State Radiation Control Agency under the State Department of

Health, and S.B. 189, under the terms of which Texas enters into the Southern Interstate Nuclear Compact.

Constitutional Amendments

In all, 14 constitutional amendments will be submitted to the voters of Texas for their consideration in November, 1962. In addition to the ones already mentioned, S.J.R. 25 would permit the resale of forfeited lands of the Veterans' Land Fund, S.J.R. 13 would empower the Legislature to provide for temporary succession to public office so as to insure continuity of State government in case of enemy attack; and S.J.R. 6, pertaining only to a local situation in Dallas County, would provide that school taxes and bonds voted but not issued by an independent school district would not be abrogated by a subsequent change in the boundaries of the district.

Continuation of the study of the Texas Constitution begun several years ago would be continued under authority of H.C.R. 96, which passed the House but was not reached in the Senate. It asks that the judiciary provisions of the document be given special attention.